



# TOWN OF FAIRFAX

## STAFF REPORT

### October 7, 2015

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager

**SUBJECT:** Second reading by title only and adoption of Ordinance No. 795 Amending Chapter 3.36 ("Public Bidding") of the Fairfax Town Code to Increase Contract Award Limits as Specifically Set Forth in Section 3.36.020

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#### **RECOMMENDATION**

Waive second reading and read by title only and adopt Ordinance No. 795 of the Town Council of the Town of Fairfax Amending Chapter 3.36 ("Public Bidding") of the Fairfax Town Code to Increase Contract Award Limits as Specifically Set Forth in Section 3.36.020.

#### **DISCUSSION**

At the September 2, 2015 Town Council meeting, staff recommended amendments to Chapter 3.36 to reflect increases in the Uniform Public Construction Cost Accounting Act's ("UPCCAA") contractual limits over the past 20 years.

The Council considered the amendments, and made the following specific changes to the proposed ordinance prior to the first reading, which are in the attached Ordinance No.795 before you tonight for adoption:

- Added the words "except as otherwise provided herein" to § 3.36.010.
- Increased the limit in § 3.36.020 (A) from \$15,000 to \$45,000 and added the resolution number 13-30.
- Changed the limit in § 3.36.020 (B) from \$175,000 to \$100,000
- Changed the limit in § 3.36.020 (C) from \$175,000 to \$100,000
- Deleted § 3.36.020 (D).

#### **FISCAL IMPACT**

None

#### **ATTACHMENT**

Ordinance No. 795

**ORDINANCE NO. 795**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
AMENDING CHAPTER 3.36 (“PUBLIC BIDDING”) OF THE FAIRFAX TOWN CODE  
TO INCREASE CONTRACT AWARD LIMITS  
AS SPECIFICALLY SET FORTH IN SECTION 3.36.020**

**WHEREAS**, pursuant to Chapter 3.36 of Town Code, the Town of Fairfax has elected to become subject to the uniform construction cost accounting procedures set forth in the Uniform Public Construction Cost Accounting Act, Cal. Public Contract Code §§ 22000 et seq.; and

**WHEREAS**, the informal bid limits prescribed by Section 22032 of the California Public Contract Code have increased; and

**WHEREAS**, this Ordinance is intended to maintain consistency between Town Code Chapter 3.36 and the Uniform Public Construction Cost Accounting Act;

**NOW, THEREFORE**, the Town Council of the Town of Fairfax does ordain as follows:

**SECTION 1:** Fairfax Town Code, Section 3.36.020, shall be revised to read as follows:

**§ 3.36.010 ADOPTION OF CALIFORNIA UNIFORM CONSTRUCTION ACCOUNTING PROCEDURES.**

The Town Council does elect to become subject to the uniform construction cost accounting procedures set forth in the Uniform Public Construction Cost Accounting Act, Cal. Public Contract Code §§ 22000 *et seq.*, except as otherwise provided herein. The terms referred to herein shall have the meanings ascribed to them in the Uniform Public Construction Cost Accounting Act.

(Prior Code, § 3.36.010) (Ord. 644, passed - -1995)

**“§ 3.36.020 AWARD OF CONTRACT.**

(A) Public projects of \$45,000 or less may be performed by the employees of the town by force account or by negotiated contract or purchase order awarded by the Town Manager. The approval of contracts by the Town Manager is subject to the Town’s administrative purchasing policies adopted by Council Resolution 13-30.

(B) Public projects of \$100,000 or less may be let to contract by informal procedures as set forth in this chapter.

(C) Public projects of more than \$100,000 shall, except as otherwise provided in the Uniform Public Construction Cost Accounting Act, be let to contract by formal bidding procedures.

**SECTION 2:** Fairfax Town Code, Section 3.36.060, shall be revised to read as follows:

**“§ 3.36.060 FORMAL BIDDING PROCEDURE.**

Notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least 14 calendar days before the date of opening the bids in a newspaper of general circulation circulated within the town. The notice inviting formal bids shall be mailed pursuant to the requirements of the California Uniform Construction Cost Accounting Act.”

**SECTION 3:** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Town Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**SECTION 4: CEQA.** Pursuant to 14 California Code of Regulations § 15061(b)(3), this Ordinance is categorically exempt from the California Environmental Quality Act because the Town Council of the Town of Fairfax finds that there is no possibility that the implementation of this Ordinance will have significant effects on the environment.

**SECTION 5:** This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 2<sup>nd</sup> day of September 2015, and duly adopted at the next regular meeting of the Town Council on the 7<sup>th</sup> day of October 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Barbara Coler, Mayor

Attest:

\_\_\_\_\_  
Michele Gardner, Town Clerk

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Date